

**Introduced by Senator Lieu**  
(Principal coauthor: Assembly Member Bonilla)

February 20, 2014

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An act to amend Sections 9882 and 9882.2 of the Business and Professions Code, relating to automotive repair.

LEGISLATIVE COUNSEL'S DIGEST

SB 1242, as introduced, Lieu. Automotive repair: Bureau of Automotive Repair.

Existing law, the Automotive Repair Act, provides for the licensure and regulation of automotive repair dealers. Under existing law, there is a Bureau of Automotive Repair, which is under the supervision of the Director of Consumer Affairs who is authorized to adopt and enforce those rules and regulations necessary to carry out this act. Existing law requires that in 2003, and every 4 years thereafter, the Joint Committee on Boards, Commissions, and Consumer Protection hold a public hearing to evaluate and review the effectiveness and efficiency of the bureau, as specified.

This bill would instead require that the powers and duties of the bureau, as provided, be subject to review by the appropriate policy committees of the Legislature as if these provisions were scheduled to be repealed on January 1, 2019.

Existing law requires the Governor to appoint, subject to confirmation by the Senate, a chief of the bureau. Under existing law, before a chief is appointed, the Governor must give due consideration to any person or persons recommended by the bureau.

This bill would delete the due consideration provision.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 9882 of the Business and Professions Code is amended to read:

9882. (a) There is in the Department of Consumer Affairs a Bureau of Automotive Repair under the supervision and control of the director. The duty of enforcing and administering this chapter is vested in the chief who is responsible to the director. The director may adopt and enforce those rules and regulations that he or she determines are reasonably necessary to carry out the purposes of this chapter and declaring the policy of the bureau, including a system for the issuance of citations for violations of this chapter as specified in Section 125.9. These rules and regulations shall be adopted pursuant to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

~~(b) In 2003 and every four years thereafter, the Joint Committee on Boards, Commissions, and Consumer Protection shall hold a public hearing to receive testimony from the Director of Consumer Affairs and the bureau. In those hearings, the bureau shall have the burden of demonstrating a compelling public need for the continued existence of the bureau and its regulatory program, and that its function is the least restrictive regulation consistent with the public health, safety, and welfare. The committee shall evaluate and review the effectiveness and efficiency of the bureau based on factors and minimum standards of performance that are specified in Section 473.4. The committee shall report its findings and recommendations as specified in Section 473.5. The bureau shall prepare an analysis and submit a report to the committee as specified in Section 473.2.~~

*(b) Notwithstanding any other law, the powers and duties of the bureau, as set forth in this article and under the Automotive Repair Act, shall be subject to review by the appropriate policy committees of the Legislature. In that review, the bureau shall have the burden of demonstrating a compelling public need for the continued existence of the bureau and its regulatory program, and that its function is the least restrictive regulation consistent with the public health, safety, and welfare. The review shall be performed as if this chapter were scheduled to be repealed as of January 1, 2019.*

1 SEC. 2. Section 9882.2 of the Business and Professions Code  
2 is amended to read:

3 9882.2. The Governor shall appoint, subject to confirmation  
4 by the Senate, a chief of the bureau at a salary to be fixed and  
5 determined by the director with the approval of the Director of  
6 Finance. The chief shall serve under the direction and supervision  
7 of the director and at the pleasure of the Governor.

8 ~~Before a chief is appointed, the Governor shall give due~~  
9 ~~consideration to any person or persons recommended by the board.~~